

City Council Regular Meeting, December 12, 2000

Twin Pines Senior and Community Center, 1223 Ralston Avenue

REGULAR MEETING - 7:33 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Cook, Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, City Attorney Savaree, Community Development Director Ewing, Finance Director Fil, Public Works Director Curtis, Interim Police Chief Mattei, Fire Chief Jewell, City Clerk Kern

REPORT ON SETTLEMENT AGREEMENTS FROM PREVIOUS CLOSED SESSIONS

Mayor Hahn reported that on August 22, 2000, the City Council, by a vote of 5-0 authorized settlement of the litigation filed in San Mateo Superior Court entitled City of Belmont v. Knolls of Belmont, San Mateo Superior Court Case No. 409314. A settlement agreement providing for the payment of \$62,500 to the City and construction of a retaining wall by the Knolls is on file with the City Clerk's office.

Mayor Hahn reported that on October 24, 2000, the City Council, by a vote of 5-0 authorized settlement of the litigation filed in San Mateo Superior Court entitled Pappas v. City of Belmont, San Mateo Superior Court Case No. 412733. A settlement agreement providing for the payment of \$50,000 to Mr. and Mrs. Pappas and a mutual release of claims is on file with the City Clerk office.

PUBLIC/COUNCIL COMMENTS

C. Cook reported that the Chamber of Commerce held its third annual Christmas gala, which was an overwhelming success. The proceeds would be used for theatre arts in Belmont.

C. Cook announced that the 75th Anniversary Committee was selling historical calendars for \$6.00.

CONSENT CALENDAR

Approval of Warrant List Dated: November 21, 2000 in total amount of \$443,732.78 and December 1, 2000 in total amount of 205,716.78.

Written Communication: 1.) Ltr. to FCC re. KNTV License, Inc., Petition for Special Relief from Akin, Gump, Strauss, Hauer & Feld, LLP; 2). Notice of P.G.& E. application to implement a rate stabilization plan for electricity and to increase rates.

Motion to approve Claims Management Report.

Resolution No. 8906 awarding contract to Casey Construction in the amount of \$ 19,610.00 for 2900 Ralston Avenue Storm Drain Culvert Improvement Project, City Contract No. 418.(Bid opening 12/5 @ 2:00 P.M.)

Resolution No. 8907 approving the purchase of two police cars and one truck for the Public Works Department from South City Ford for an amount not to exceed \$67,963.68.

Resolution No. 8908 approving the purchase of two cars for the Community Development Department and one truck for the Parks and Recreation Department from Towne Ford Sales for an amount not to exceed \$53,835.16.

Resolution No. 8909 approving the purchase of one Formax Autoseal Folder-Sealer for the Central Services Division for an amount not to exceed \$11,600.

Resolution No. 8910 approving Contract Change Order No. 9 with McGuire and Hester for an Amount not to Exceed \$31,337 for Placement of Subdrain and Fabric Near Hillman Avenue, North Road Reconstruction Project, City Contract No. 408B.

Resolution No. 8911 Approving establishment of a red zone (no parking) on Middle Road at Barbara Lane.

Resolution No. 8912 approving a change from a 20-Minute Parking Zone to a 4-Hour Parking Zone at 880 Old County Road. (Richard's Cleaners)

Resolution No. 8913 approving a Permanent Encroachment Agreement for construction of retaining walls, handrail and stairs within the public right-of-way at 2229 Semeria. Owner M/M Tilden, 044-012-220

Resolution No. 8914 of Appreciation for outstanding service by Marge Macris as Interim Community Development Director.

Resolution No. 8915 approving professional services agreement with Attorney Colantuono, Richards, Watson & Gershon to provide advice on Land Use issues.

Resolution No. 8916 consenting to the Formation of the San Mateo County Tourism Business Improvement District.

Consent Calendar adopted. Moved by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands.

PUBLIC/HEARING

Public Hearing to implement Community Facilities District No. 2000-1 of the City of Belmont and calling an election to issue library bonds.

Consideration of Resolution establishing Community Facilities District No. 2000-1 of the City of Belmont authorizing the Levy of a Special Tax therein calling an election and approving certain actions related thereto.

Consideration of Resolution acting as the legislative Body of Community Facilities District No. 2000-1 of the City of Belmont determining the necessity to incur Bonded Indebtedness in an amount not to exceed \$8,650,000 within Community Facilities District No. 2000-1 and calling an election therein.

Consideration of Resolution of the City Council acting as the Legislative Body of Community Facilities District No. 2000-1 of the City of Belmont i) approving the tax statement to be mailed to voters in Community Facilities District No. 2000-1 of the City of Belmont pursuant to Section 9400 of the Elections Code, (ii) authorizing certain of its members to file written arguments in favor of measure, (iii) directing preparation of Impartial Analysis for Measure, and (iv) authorizing certain of its members to file written rebuttal arguments for measure.

Finance Director Fil gave an overview of the actions to be taken if Council concurred to have the election go forward in March 2001. He stated that the proposed project totaled \$15.9 million, which assumed a 35% local/65% state matching fund grant or other sources based on adjusted construction costs. The bond measure would use a Mello Roos 30-year term bond type, and the boundaries were coterminous with the City of Belmont. The bond measure totaled \$8.6 million, and included \$150,000 for yearly maintenance. The annual cost for taxpayers was \$71 per residential dwelling unit and \$.85/sq. ft for commercial properties. Finance Director Fil explained that this tax could be paid in one lump payment of \$1,086.00 per resident before the bond sale. He reported that if the tax were not paid in this fashion, the tax would appear on the yearly tax bill. He noted that it would take a 2/3rds vote for the measure to be approved.

Finance Director Fil stated that one of the Resolutions to be adopted would allow the Council to file written arguments in favor or against the measure, direct the Impartial Analysis to be written by the City Attorney and approve the tax statements to be mailed to the voters.

Mr. Senden, The Center for Community Opinion, reviewed the poll that had been taken by phone on December 10th, surveying 400 residents at random. He noted that there had not been a significant improvement in the level of support from the first survey in June. The first survey indicated a 55% level of support and this survey indicated a 58% level of support. He noted that the support had dropped in the age group 65 and older, from 53% to 47%. Mr. Senden stated that during the tax tolerance questions, they noted a decrease in the willingness of local voters to support the higher amounts. He said that at the \$30.00 level the figures remained constant, but reaction to potential costs of \$55 or \$89 per year, support shifted by more than 20%. He stated that there wasn't 2/3rds support in the community to build the library and maintain it at this time.

In answer to C. Wright, Mr. Senden stated that they did not test the idea of holding the School District Parcel Tax election and this election at the same time, because the School District election had not been determined at this time.

In response to C. Cook, Mr. Senden stated that he thought the overall economic environment was the basis of the negative responses to the survey. He explained that proponents for this measure were inclined to vote in Special elections, because of their support of the issue.

Ms. Lew, Lew Edwards Group, Communications Consultants, explained the public outreach her firm had organized over the last 10 weeks, to assist with this Bond Issue, a task that normally takes six months. She said that the survey indicated that there was a strong level of support for the library. Ms. Lew said she thought that given more time and education, this bond measure would be successful.

Finance Director Fil stated that if the Council decided to extend the election into the future that would allow for time to educate the public. He said the Council could also involve the Library Task Force, which would make the timing of a June 2001 possible. He said this would give staff a little over two months to make minor modifications to this campaign. Director Fil stated that the November 2001 election could also be considered for this election.

In response to C. Hahn, Attorney Casnocha, Stradling, Yocca, Carlson & Rauth, stated that if the Council modified the tax on the Tax schedules, he would suggest that Council adopt the first two Resolutions and then staff would return at a later date to call the election for either June or November of 2001 and the amount could be lowered to sell fewer bonds.

Mayor Hahn opened the public hearing.

SPEAKERS IN FAVOR OF BOND MEASURE:

Ms. O'Neill, 1805 Ralston Avenue, Student at Notre Dame High

Ms. Stark, 310 Hiller Street, Student at Notre Dame High

Ms. Gioslow, 841 Alameda, Student at Notre Dame High

Mr. Jones, 1815 Valdes,

Mr. Braunstein, Chair, Library Task Force,

Ms. Jacobi, 2030 Lyon Avenue, Girl Scout Troop 3924,

Ms. Bonnar, 2124 Lyon Avenue, President, Belmont/Redwood Shore Elementary School District, School District representative for Library Task Force,

Mr. Underwood, Director, Library Services, San Mateo County Library,

Ms. Probstfeld, President, Belmont Chamber of Commerce,

Mr. Heagerty, 2100 Lyon Avenue,

Ms. Clarke, Owner, Mary Moppett/Belmont Oaks Academy,

Ms. Raval, 2821 St. James Road, President Fox PTA,

Mr. Easton, Chair, San Mateo County Library JPA, Councilmember San Carlos,

Ms. Peceimer, 2724 Monserat, Friends of the Library,

Ms. Drumm, 1704 Ferwood Way,

Mr. Mason, City Treasurer, 5 Debbie Lane,

Ms. P. Braunstein, 2612 Carlmont Drive,

Ms. Bell, 11 Camellia Ct, E. Palo Alto, Student Carlmont High School,

Comments in Support of New Library:

Need more room and reference material for research projects; need space that is quiet to concentrate; need more computer access; location important for local residents that do not have access to transportation to other County libraries; benefit to all ages; efforts can bring the community together through volunteering to serve on committee in support of the library; request for a unified decision to go forward with this project; decision of Library Task Force was well thought out and fiscally responsible; Plan includes Proposition 14 money and asks citizens and businesses to pay their fair share; Plan includes underground parking, Park development and current and future maintenance;

Urge Council to develop consensus to go forward with this project; students need more room and better reference material so they do not have to travel to other libraries to research; concern expressed about a June ballot measure, because school district may have parcel tax election at that time; facility inadequate, no place to do research or work collaboratively; not user friendly; children deserve an updated facility; defer time for election until more education of the community had been completed to insure success; action is a fiscally responsible approach, which would provide long term maintenance and funding for the construction; new

library would bring the community together and bring visitors from the outside to spend their dollars to help the local retail community; look forward to more activities for younger children; improvements to the park would make for a strong cultural center for all the residents; important for our library to support the needs of the growing technology age for our children; valuable skills that are taught in school are limited because of the current status of our library; library should be cornerstone of the community; important to teach our children the value of libraries; neighboring cities have all modernized their libraries to state of the art capacity; we deserve better; go for the gold standard and get as much as possible so that we could build a library that would be a magnet for the community; great opportunity to unite community around a common cause; urge adoption of the Resolutions and support unanimously; this project would benefit the entire community; 40 responses marked no, out of 671 mailers; 21 letters faxed back in support over the past two days and various phone calls in support of bond measure; the communication campaign was working because awareness was raised in a short time frame; not only does the library need to be improved, but the park area needs to be upgraded to foster a community spirit among the parents; enhance the library to improve the quality of life in the community; encourage Council to adopt Resolutions to call the election; great interest and support for this project; new families moving here which provides us with a huge educational responsibility;

Library does not have adequate facilities for high school research projects; resources so inadequate that the students must use other libraries for papers; need to place a high priority on the educational needs of the community; students from Carlmont High find the library inadequate to do research papers, as well as, being able to work in small groups on projects; because of the outdated material, students must travel outside of Belmont to do homework.

In response to C. Cook, Ms. Lew stated that if the school parcel tax and the library bond measure appeared on the same ballot it may generate a 2/3rds vote for both, because a special election brings out the voters that have a vested interest in both measures. She reported that there was a momentum now, but if more time were allowed, a communication campaign targeting the senior population would help the project. She said it was her experience that fiscal responsibility and careful consideration were important to older voters. She said that if more time were allowed to refine the proposal, to garner the greatest community support, this would help make this project successful.

C. Warden stated that voter education could be done during the campaign.

Ms. Lew stated that she had been involved in various library elections, and it was her opinion that it was better to invest more time in additional community education to insure success.

In response to C. Hahn, Ms. Lew stated that in other communities where there were citizens on fixed incomes, programs were proposed specifically for seniors, so they would find value in investing in a new library.

Ms. Lew stated that the idea of a brand new library had potential for success. She said the focus should be on the communication to make this proposal successful.

In response to C. Rianda, Mr. Senden stated that the survey indicated that the tax tolerance level was somewhere between \$55.00 and \$57.00 with an effective communication campaign.

In response to C. Wright, Mr. Senden stated that the cost range would need be reconciled with construction and maintenance of the facility. He said if maintenance was not a component of the bond measure, then the Council would need to resolve that funding.

Ms. Lew stated that the information network might grow further than the 1000 core supporters with a concentrated public education campaign to the stakeholders. She said that the poll indicated that the tax needed to lower to be successful, and additional outreach to the senior community was necessary.

C. Cook stated that she would support looking at a June election to allow time for additional outreach. She said she was in favor of a new library and was in favor of the \$71.00 tax.

C. Warden stated he was in favor of the \$71.00 tax, but would like the election to go forward in March. He said he would like to try to get the matching Proposition 14 funding. C. Warden stated that the poll was a snapshot that was taken at the worst possible time, and yet the poll indicated that 59% of the residents would pay \$71.00.

C. Wright stated he was in favor of the March election at the \$71.00 amount. C. Wright said he felt it would be counter intuitive to have both measures on the ballot at the same time.

C. Rianda stated that the poll indicated that the tolerance level was about \$55.00 per household. She said the staff had not been consulted to see if City funds were available to make up the difference and make a contribution toward the maintenance portion of the project. She said the maintenance would have to be considered in 30 years, so it was appropriate to explore the option of funding it now. C. Rianda stated that she was in favor of a June election

In response to C. Hahn, Finance Director Fil stated that the application to the state would not be rejected if submitted following a March or June election. He said that after November the chances for funding would diminish. He stated that if Council decided to lower the maintenance component, that would be considered a substantive change and this bond measure would not be ready for the March, 2001 election.

Finance Director Fil explained that the citizens would have the option of paying this tax off before the bonds were sold. The total amount due would be \$1,086. He said that the tax could also be paid off during the call dates for the bonds.

C. Hahn stated that she thought a June election would be more beneficial to provide more education and she was supportive of the \$71.00 tax amount.

Ms. Lew stated that if the Council decided to go forward in March, they should consider lowering the cost of the proposal. If it was decided that \$71.00 was the tax rate, then more time was needed for education purposes.

C. Cook stated that her goal was to have a successful bond measure, so she would consider having the election in March, 2001. She said she was in favor of the maintenance component included in the tax.

C. Rianda said that she would support the \$71.00 tax, but would like more time to continue the education program to generate more support for the bond measure. She said she would like to hold the election in June, 2001.

C. Wright said he was supportive of the March election at the current proposed tax rate.

C. Warden stated that he was still in favor of a March, 2001 election with the full amount. He said he felt the library had a better chance at a special election.

C. Hahn said she thought the extra three months would allow time to educate the residents. She said she was in favor of a June election, with the full tax amount.

On motion by C. Rianda, seconded by C. Cook, and approved unanimously, to close the public hearing.

On motion C. Rianda, seconded by C. Hahn, to adopt the three Resolutions, and to hold the election in June, 2001, and go forward with the \$71.00 tax.

C. Warden made a substitute motion to adopt the Resolutions and continue forward to hold the election in March, 2001. This substitute motion was, seconded by C. Cook, approved on a vote of 3-2, (Rianda, Hahn voted no).

City Attorney Savaree requested a 5-minute recess to determine if a super majority vote would be needed to adopt the Resolutions.

RECESS

At this time, being 10:00 P.M. the meeting was recessed for 5 minutes.

MEETING RESUMED

At this time, being 10:05 P.M. this meeting reconvened.

Mayor Hahn announced that the Council was unanimous to go forward with the election for the library. She said the dissenting votes were for the timeframe.

RESOLUTIONS ADOPTED

Action: on motion by C. Warden, seconded by C. Cook, and approved unanimously, by show of hands to adopt:

Resolution No. 8917 establishing Community Facilities District No. 2000-1 of the City of Belmont authorizing the Levy of a Special Tax therein calling an election and approving certain actions related thereto.

Action: on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands to adopt:

Resolution No. 8918 acting as the legislative Body of Community Facilities District No.

2000-1 of the City of Belmont determining the necessity to incur Bonded Indebtedness in an amount not to exceed \$8,650,000 within Community Facilities District No. 2000-1 and calling an election therein

Action: on motion by C. Warden, seconded by C. Cook, and approved unanimously, by show of hands to adopt:

Resolution No. 8919 of the City Council acting as the Legislative Body of Community Facilities District No. 2000-1 of the City of Belmont i) approving the tax statement to be mailed to voters in Community Facilities District No. 2000-1 of the City of Belmont pursuant to Section 9400 of the Elections Code, (ii) authorizing certain of its members to file written arguments in favor of measure, (iii) directing preparation of impartial analysis for Measure, and (iv) authorizing certain of its members to file written rebuttal arguments for measure.

C. Wright requested that staff provide information regarding what role the individual Councilmembers could take with regard to the election.

City Attorney Savaree stated that once this matter was placed on the ballot, the Council not be allowed to advocate for this measure. She explained that taxpayer dollars could not be used. She said she would have the Bond Counsel provide written advice to prevent confusion.

C. Cook requested agenda item 9-A be heard at this time and Council concurred.

CONSIDERED OUT OF ORDER

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and direction regarding membership in the Peninsula Policy Partnership (Cook)

C.Eaton, San Carlos City Council and Chair of the Peninsula Policy Partnership spoke about the importance of this group, which would lobby agencies regarding land use, traffic and economy. He noted that the \$1,000 was an introductory membership fee.

Council concurred to join, and requested that staff return with a Resolution approving the \$1,000 introductory fee.

OLDBUSINESS.

Update on final Regional Housing Needs Determination numbers from ABAG.

Community Development Director Ewing stated that these figures would be used in upcoming Housing Element Update.

NEW BUSINESS –

Report on agreement to delete signal from Improvement Plans for Oracle Parking Lot intersection at Island Parkway.

Public Works Director Curtis stated that Oracle would be informed of this change by letter in the next few days.

MEETING TIME EXTENDED

On motion by C. Wright, seconded by C. Cook, and approved unanimously to extend the meeting for 15 minutes at this time being 10:30 P.M.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Consideration of Council assignments FY 2001

City/County Association of Governments Boards (C/CAG) Delegate Rianda, Alternate Warden

C/CAG CMAQ Committee (Appt'd by Subcommittee Board) Delegate Rianda

South Bayside System Authority Delegate Hahn

South County Fire Delegate Rianda, Delegate Cook

Peninsula Congestion Relief Alliance Representative Warden; Alternate Wright

ABAG General Assembly Representative Delegate Mayor, Alternate Vice Mayor

San Mateo County Mosquito Abatement District Citizen Representative Robert Blake until 12/2002.

San Mateo County Library JPA Delegate Cook, Alternate Wright

Criminal Justice Council Delegate None

Police Chief's Advisory Committee for Juvenile Affairs Delegate Wright

Business Roundtable Delegate Rianda, Delegate Warden

Liaison to Finance Commission Delegate Vice Mayor, Alternate Wright

School Liaison 2+2 meeting: Delegate Rianda, Delegate Cook, and Alternate Wright

Liaison Committee with other Cities Delegate: Mayor, Delegate: Vice Mayor

Liaison Senior Citizen Advisory Committee Delegate Hahn, Alternate Warden

City Selection Committee Delegate Mayor, Alternate Vice Mayor

Council of Cities Legislative Committee Representative None

League of California Cities Delegate Mayor, Alternate Vice Mayor

Peninsula Division of League of California Cities Delegate Wright, Alternate Cook

San Carlos Airport Forum Representative None

SFO Roundtable Representative Hahn, Alternate Warden

San Mateo County Council of Cities Delegate Mayor, Alternate Vice Mayor

San Mateo Co. Convention & Visitors Bureau Delegate Wright, Alternate Warden

San Mateo Operational Civil Defense & Disaster Council (OES) Delegate Warden, Alternate Rianda

Technology Subcommittee Representative Warden, Representative Wright

Harbor Industrial Area Liaison Representative Cook, Representative Wright

Action: on motion by C. Wright, seconded by C. Warden, and approved unanimously, to reappoint Mr. R. Blake to the Mosquito Abatement District for a term of two years.

Direction to advertise for all Commission openings

Action: On motion by C. Warden, seconded by C. Wright, and approved unanimously, to direct City Clerk Kern to advertise for all Commission openings.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and direction for the Trench Cut Ordinance. (Rianda)

Staff directed to find a date to hold a study session to discuss the pros and cons of trench cut ordinance.

ADJOURNMENT at this time, being 10:45 P.M., this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting Tape Recorded and televised

Tape No 480